IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 354 OF 1999

Shri Rajendra R. Shirodkar,
resident of Huddo Waddo,
Anjuna-Caisua, Bardez, Goa. ... Petitioner

versus

1. Village Panchayat of
   Anjuna-Caisua(through
   its Sarpanch), Anjuna,
   Bardez, Goa.

2. Goa Coastal Zone
   Management Authority,
   (through its Member-
   Secretary) Opp. Saligao
   Seminary, Bardez, Goa.

3. Town & Country Planning
   Department(through the
   Chief Town Planner),
   Old GMC Complex, Panaji,
   Goa.

4. Health Officer,
   Primary Health Centre,
   Siolim, Bardez, Goa.

5. The Asst. Engineer
   (Technical Officer),
   SDIII, Div.V(B-N),
   PWD, Mapusa, Bardez,
   Goa.

6. State of Goa, through
   its Chief Secretary,
   having his office at
   Secretariat, Panaji,
   Goa.

7. Shri Gurudas V. Morajkar,
   resident of D'Mello
   Vaddo, Anjuna, Bardez, Goa.

8. Department of Tourism,
through its Director,
Patto, Panaji, Goa.

9. Ministry of Environment
& Forests, Government
of India, through its
Secretary, New Delhi.

10. Department of Electricity,
through its Chief Electrical
Engineer, Panaji, Goa.

11. Asst. Engineer, Water Works/
Water Supply, Mapusa,
Bardez, Goa. ... Respondents

Mr. V. Menezes, Advocate for the Petitioner.

Mr. V. P. Thali, Advocate for Respondent No.1.

Mr. A. N. S. Nadkarni, Advocate General with Mr. H. D. Naik, Additional Government Advocate for Respondent Nos.2, 3 to 6, 8, 10 and 11.

Mr. S. G. Dessai, Senior Advocate with Mr. Shivan Dessai, Advocate for Respondent No.7.

CORAM : SMT.NISHITA N.NHATRE &
P. V. HARDAS, JJ.

DATED : 21ST JANUARY, 2004.

ORAL JUDGMENT(PER P.V.HARDAS, J.)

This Petition has been filed by the present Petitioner, ostensibly in public interest pointing out to this Court the various contraventions committed by the Petitioner either in the construction of the premises or

the use to which those premises have been put. According to us, we need not refer to the various contentions which have been raised in the present Petition as the controversy in the present Petition can be resolved by accepting the undertaking given by the Petitioner, to which we shall advert to shortly.

2. By an Order of this Court dated 25th January, 2000, this Court had accepted the undertaking given by Respondent No.7 in his Affidavit dated 24th January, 2000. The undertaking in paragraph 18 of the said Affidavit was that Respondent No.7 would not accommodate any other tourist unless he obtains all the required permissions. By an interim Order, Respondent No.7 was also restrained by this Court from carrying out further constructions.

3. It is an undisputed fact before us that Respondent No.7 has obtained the necessary licences for the construction of the premises.

4. It is the contention of Mr. V. Menezes, learned Counsel appearing for the Petitioner that the Petitioner has not obtained permission from the Ministry of Environment & Forests under the CRZ Notification.

5. Mr. S. G. Dessai, learned Senior Counsel appearing for Respondent No.7 states that he shall not use

the premises so constructed as a hotel unless Respondent No.7 obtains all the necessary permissions from the Authorities as is required under the law for using the premises as a hotel.

6. In view of the statement made by learned Counsel appearing for Respondent No.7, which we accept as an undertaking, Mr. V. Menezes, learned Counsel appearing for the Petitioner states that the grievance of the Petitioner stands redressed.

7. Accepting the statement made by the learned Counsel appearing for the Petitioner, the Petition is disposed of accordingly with no order as to costs. The interim Order dated 25th January, 2000, stands vacated.

SMT. NISHITA N. MHATRE, J.

P. V. HARDAS, J.

RD.